

IFC/MIGA Approach to Remedial Action CAO Comments on Draft for Public Consultation

14 April 2023

CAO appreciates the opportunity to comment on the proposed IFC/MIGA Approach to Remedial Action ([the Approach](#)). As IFC/MIGA's independent accountability mechanism, facilitating access to remedy for project-affected people is part of CAO's mandate. The strength of IFC/MIGA's institutional approach to remedy directly impacts CAO's ability to deliver on this mandate. This submission is part of CAO's ongoing engagement with IFC and MIGA during the development of the Approach. To further inform the process, CAO has conducted an in-depth analysis of its case experience related to remedy. The findings are presented in two recent publications, [The Role of Dispute Resolution in Remedy](#), and [The Remedy Gap: Lessons from CAO Compliance and Beyond](#). This submission draws on CAO's case experience, as well as additional context, to present observations and recommendations aimed at strengthening the draft IFC/MIGA Approach.

Context

The principle that adverse impacts from project operations and activities on individuals, communities, and workers should be remediated is embedded in the environmental and social (E&S) sustainability policies of development finance institutions (DFIs). Remedy is also a core pillar of the United Nations Guiding Principles on Business and Human Rights (UNGPs). In recent years, there has been growing recognition, including from IFC and MIGA, that adverse environmental and social impacts on people continue to occur and go unaddressed, creating a "remedy gap".

CAO recognizes IFC/MIGA's leadership as the first DFIs to consult on a draft remedy approach. IFC has long been a leader in E&S risk management of private sector operations, with its [Performance Standards](#) adopted globally by the [Equator Principles Financial Institutions](#) (EPFIs) and its Sustainability Framework serving as a model for most DFIs. A robust IFC/MIGA Approach to Remedial Action can re-establish IFC/MIGA leadership by strengthening this underdeveloped aspect of E&S risk management systems and ending practices, which often leave communities to bear the cost of adverse impacts from development projects. The potential benefits of such an

approach are enormous: positively impacting IFC/MIGA's development results¹ while providing redress to people adversely affected by projects.

Summary of CAO Recommendations

IFC/MIGA's consultation draft sets out multiple ideas for enhancing IFC and MIGA practice. However, it falls short of proposing a robust framework that can effectively meet the challenge of bringing about remedy for harms suffered by people impacted by IFC/MIGA projects. To bridge this gap, CAO recommends that IFC/MIGA revise the draft Approach in ways that:

- Clearly establish IFC/MIGA's responsibility to contribute to remedy when they have contributed to harm.
- Apply remedy enhancements to all relevant projects unless there is a compelling reason not to, rather than to select projects as currently proposed.
- Replace tentative and vague language in the draft with a clear, actionable plan setting out concrete, time-bound and measurable commitments.
- Include a commitment and a work plan to ensure that project-affected people receive accessible information about their grievance redress options, including access to CAO.
- Address how remedy will be pursued in portfolio projects and CAO cases; and commit to include remedy planning in both Board and project documents going forward.

In addition, the revised Approach should directly respond to the recommendations of the 2020 [External Review of IFC/MIGA's E&S Accountability, Including CAO's Role and Effectiveness](#), which was initiated by the IFC and MIGA Boards of Executive Directors (the Board). This is critical since the External Review findings (summarized below) triggered the IFC/MIGA's decision to develop an enhanced approach to remedy. Moreover, CAO recommends that the revised Approach take into account, and build on, CAO's analysis of the reasons for the current lack of remedy for IFC/MIGA project-related harms and how the proposed enhancements respond to these root causes.

Under the current timeline, IFC and MIGA will consider feedback from stakeholders in developing a Management Directive for the new Approach's pilot phase. CAO recommends that they first provide a process for further stakeholder feedback on the revised Approach. This would help ensure full transparency and a robust outcome that reestablishes IFC/MIGA leadership in this space.

Key Factors to Inform IFC/MIGA's Approach to Remedy

Below, CAO outlines several key factors to inform IFC/MIGA's thinking in further developing their Approach to Remedial Action. This submission then notes where the draft Approach improves on

¹ The Independent Evaluation Group (IEG)'s Extended Project Supervision Reports, for example, are unlikely to rate a project satisfactory for overall development impact when there are outstanding/unremedied E&S non-compliances with associated harm.

current processes before providing more detailed recommendations on how to strengthen specific aspects.

Remediating adverse impacts is already a policy requirement and IFC/MIGA need a robust remedy framework to ensure implementation.

As the draft Approach notes, IFC/MIGA's existing Sustainability Framework already contains the commitment to remediate harms. Specifically, the Sustainability Policy states that IFC/MIGA must work with the client "to determine remediation measures where there are significant environmental or social impacts associated with the business activity, including past or present adverse impacts caused by others."² However, existing processes and practices have fallen short, as IFC/MIGA have acknowledged and as CAO case analysis reflects, as summarized below. To bridge the remedy gap, and meet their obligations, IFC/MIGA need to establish a robust remedy framework that goes well beyond current operational practice.

CAO cases demonstrate that existing practices and tools do not reliably lead to remediation of harms caused by projects that IFC and MIGA support.

As set out in CAO's "[Insights on Remedy](#)" Advisory Notes, an analysis of cases brought against IFC from 2013 to 2022 reveals multiple factors that commonly represent obstacles to remedy. Shown below, these must all be addressed if a remedy framework is to be successful:

- Affected people are often unaware of options for redress, including through CAO.
- IFC often misses opportunities for early resolution of community complaints because it tends to rely heavily on the client's perspective and discount the concerns of affected people.
- IFC/MIGA Sustainability Frameworks establish the responsibility for business clients to remediate E&S impacts. However, their provisions with regard to remedy are brief, vague, and poorly aligned with established international norms on the responsibilities for remedy of businesses and financiers.
- The commitments to remedy in the IFC/MIGA Sustainability Frameworks are insufficiently operationalized through procedures, guidance, and contractual commitments.
- Impacts on the environment and communities that pre-exist an IFC/MIGA investment are not always well assessed or remediated.
- Reporting and responses by IFC/MIGA and their clients regarding stakeholder grievances and serious incidents with E&S impacts are not sufficiently robust or timely.
- IFC/MIGA can do more to achieve remedy through dispute resolution. Avenues include: supporting clients' participation in the process; supporting parties' access to trusted expertise and associated funding needs; helping bring government to the table; and

² IFC Sustainability Policy, paragraph 26 and MIGA Sustainability Policy, paragraph 24

supporting the sustainability of dispute resolution outcomes after CAO concludes its involvement.

- Remedy will not be achieved in cases where IFC and MIGA Management Action Plans (MAPs) are not responsive to CAO compliance findings and associated remedial recommendations.
- Gaps in remedial action at the closure of CAO compliance processes often follow project exits. IFC/MIGA and client exits frequently result in project-affected people being left without remedy.
- IFC/MIGA under use their leverage with clients to support E&S performance and enable remedy through contracts with clients. In addition, IFC/MIGA often fail to employ existing leverage fully to address E&S concerns and even waive client E&S commitments.
- A significant remedy gap exists in relation to CAO cases. IFC and MIGA have a responsibility towards communities who have brought their concerns to CAO and are still awaiting remedy.

A robust IFC/MIGA remedy framework can address these obstacles and help the institutions translate their E&S risk management efforts into meaningful impact on the ground.

The 2020 External Review recommended key elements of a strong remedy framework to deliver redress for harmed communities.

The External Review [report](#) concluded that “most CAO non-compliance findings do not lead to effective remedy” (p. 71) and made detailed recommendations designed to form the basis of a strong remedy framework. These included a commitment that IFC/MIGA “contribute to remedy where there is a CAO (or IFC/MIGA Management) finding of IFC/MIGA non-compliance that contributed to harm by enabling or failing to prevent harmful action or inaction by the client” (Para. 60).

The External Review also called for contractual mechanisms and resources to ensure client compliance and recommended that IFC/MIGA develop E&S contingent funding requirements for potential remedial actions with associated legal covenants. These requirements would apply to all projects of significant E&S risk (all Category A, B, and F1 and F2 projects, at a minimum), and be binding on clients during IFC/MIGA involvement and at least two years after.

In developing the framework and associated mechanisms, the External Review recommended that IFC/MIGA:

- Define a framework for remedial action, building in part on the [Dutch Banking Sector Agreement](#), to be reviewed and approved by the Board (Para, 339).
- Develop in collaboration with CAO, and present to the Board, a draft policy on the use of IFC/MIGA resources to contribute to remedy, clarifying the criteria, potential uses, and limitations of such resources to contribute to remedy (Para. 339).
- Develop one or more E&S contingent funding requirements, as described above.

However, the draft IFC/MIGA Approach falls short of implementing the External Review’s core recommendations, resulting—in CAO’s view—in an important missed opportunity. As proposed,

IFC/MIGA's Approach will leave out core elements of the External Review's remedy approach— financing mechanisms, IFC/MIGA contribution to remedy, and collaboration with CAO on a draft policy for using IFC/MIGA resources for remedy.

CAO's Policy implements many of the External Review recommendations.

Some of the External Review's recommendations are already being integrated into IFC/MIGA environmental and social accountability processes through the new [CAO Policy](#). Introduced in July 2021, the policy emphasizes CAO's role in facilitating access to remedy for project-affected people in a manner consistent with international business and human rights principles (para. 5) and lays out avenues to strengthen remedial responses to CAO complaints. These emphasize early and proactive responsiveness by IFC, MIGA, and their clients through referrals of complaints, support for dispute resolution processes, deferrals of investigations to enable early remedial action, and mandatory remedial Management Action Plans (MAPs) that respond to CAO findings of non-compliance and related harm, all under Board oversight. These enhancements in the CAO Policy represent opportunities for IFC and MIGA to collaborate with CAO to improve remedy outcomes and require a robust remedy framework to ensure that IFC/MIGA and CAO meet the objectives of the Board-approved CAO Policy.

Improvements for Addressing Remedy in the Draft Approach

The draft Approach identifies multiple ideas for enhancements to IFC and MIGA current practice on remedy which could improve outcomes for people if linked to specific commitments to action.

Several proposed enhancements—if developed in detail and implemented consistently—could result in more effective remedy for communities. CAO welcomes the holistic nature of IFC/MIGA's Approach and its focus on access to remedy. The inclusion of elements that focus on planning and client preparedness are also a step forward. These include proposed assessments of IFC/MIGA leverage, clients' E&S track record, (including on remedial actions), client preparedness for Environmental and Social Action Plan (ESAP) implementation, and client resources for remedial action. Equally important are planned contractual requirements for clients to provide remedy for project-related harms and the exploration of effective financing options for remedy.

However, these enhancements and others that IFC and MIGA set out in the draft Approach are, with few exceptions, very vaguely defined. As a result, it is difficult to assess at present whether they will lead to meaningful changes in outcomes for people and environments harmed by projects IFC and MIGA support.

CAO Recommendations to IFC/MIGA for Strengthening the Approach

The draft Approach needs greater clarity to provide transparency and enable stakeholders to monitor progress. The final version should define commitments clearly and set out a concrete plan, timetable, and indicators for the four-year pilot phase, including a plan to bring about remedy in CAO cases with unresolved adverse impacts on people.

As stated above, IFC/MIGA's proposed enhancements could strengthen their Approach and their clients' ability to meet the existing commitment in the Sustainability Framework to remediate adverse impacts on people and the environment. However, these enhancements are not sufficiently defined, and it is unclear how broadly they will be implemented. The revised Approach should set out a concrete plan in clear language and with a timetable and indicators for the pilot phase before presentation to the Board for approval. Once these changes are made, the Approach should be subject to further stakeholder feedback before Board approval. Moreover, given that IFC and MIGA acknowledge the requirement to remedy adverse project impacts as part of their existing policy framework, there is no reason to wait to start implementing relevant aspects of the Approach, nor to apply the Approach only to new projects. Instead, the Approach should also set out how it will apply to the existing IFC/MIGA portfolio and open CAO cases. A significant remedy gap exists in relation to CAO cases. IFC and MIGA have a responsibility towards communities who have brought their concerns to CAO and are still awaiting remedy. To address this remedy gap, IFC and MIGA, in consultation with CAO and complainants, should conduct a review of CAO cases to identify those where a significant remedy gap exists and propose measures to address these.

The draft Approach contains an outline of the proposed four-year pilot period with broadly defined tasks and objectives (Appendix C). During this pilot phase, IFC/MIGA will develop methodologies for applying remedy, such as costing ESAPs and developing contractual provisions, that will determine the quality and effectiveness of the final framework. These methodologies will apply to "select projects".

However, as set out in *The Remedy Gap* Advisory Note, CAO's case experience shows that it is difficult to anticipate which projects will draw complaints and require remedy for affected people. Focusing remedy processes too narrowly on E&S high risk (category A) projects and/or clients already being monitored for poor E&S performance (Environmental and Social Risk Rating (ESRR) 3 or 4) will leave both clients and IFC/MIGA unprepared for many projects that give rise to complaints. Therefore, CAO recommends that IFC/MIGA apply a default whereby remedy approaches—access to remedy, planning/preparedness, facilitation/support for remedial action, and provision of remedy—apply to all projects with significant E&S risk (at a minimum, all Category A, B, FI 1, and FI 2 investments: see External Review recommendations) unless there is a compelling reason not to, rather than the reverse. Since these methodologies will have a significant impact on the effectiveness of the overall remedy framework, IFC/MIGA should also present them to the Board's Committee on Development Effectiveness (CODE) and external stakeholders before finalization.

IFC/MIGA also plan to develop indicators for tracking progress of the pilot. The activities, outputs, and outcomes are extremely vague in the draft Approach, which does not bode well for effective Board oversight of the critically important, four-year pilot phase. For example, proposed output criteria include “assessments implemented in projects” and “provisions incorporated in contract templates”. CAO recommends that IFC/MIGA develop a detailed pilot work plan alongside criteria for measuring effectiveness, and output and outcome indicators, and submit these for external feedback prior to Board approval. This plan should include a realistic budget for internal resources required. IFC and MIGA should report frequently to CODE on progress and effectiveness during the pilot phase. Further, Board reports for all new investment projects presented for approval should include planning for the potential need to remediate future adverse impacts.

IFC/MIGA should provide stronger incentives, including financial, for clients that invest in strong E&S management.

Effective E&S management is key to avoiding harm, which is preferable for all involved and more cost effective. Therefore, in parallel to creating the infrastructure and tools for remedial action, IFC/MIGA would benefit from conducting a critical assessment of E&S risk management implementation challenges across their portfolios. This assessment should seek to improve the conditions for avoiding project-related harm, responding rapidly when impacts first materialize, and resolving stakeholder concerns quickly and proactively. Assessing, and planning to remedy, past harms that may be present at the time of an IFC/MIGA investment is another important part of the existing Sustainability Framework which would benefit from more robust implementation. To strengthen E&S risk management practices and harm avoidance, CAO suggests that IFC/MIGA should provide stronger incentives, including financial, for clients that invest in strong E&S management.

The final Approach must confirm IFC’s and MIGA’s role and responsibility to contribute to remedy when they contribute to project-related harm. To enable such contribution, CAO recommends that IFC and MIGA conduct an analysis of financing options at both client and institutional level.

Even with enhanced E&S risk management capacity, adverse impacts on communities and associated harm cannot always be avoided, and there will be times when IFC/MIGA need to contribute to remedy. The External Review recommended that the IFC/MIGA Board of Directors establish the principle that IFC/MIGA contribution to harm triggers an obligation for their contribution to remedy following the UN Guiding Principles on Business and Human Rights. The draft Approach does not appropriately reflect this principle. In addition to acknowledging their role and responsibility to contribute to remedy when they contribute to harm, IFC and MIGA should prepare, report to CODE, and publicly disclose an analysis of financing options at both the client and the institutional level. This should include an analysis of how different financing tools can be applied to different investment products. IFC/MIGA activities in the context of the remedy approach, including contributing to remedy in some cases, should be budgeted and funds set aside for this purpose.

CAO Recommendations to IFC/MIGA for Improving Policy Coherence

IFC/MIGA's developing Approach to remedy has its foundation in the existing IFC and MIGA Sustainability Frameworks. CAO considers the emphasis placed on planning and prevention to be sound. As a less developed aspect of existing E&S policy commitments, remedy should be a part of robust E&S risk management, which encompasses up front due diligence, action plans to achieve Performance Standards compliance, and continued supervision and relevant corrective actions on the one hand, and remedial actions to address harms on the other. However, additional work is needed to align the institutional approach to remedy with the Board-approved CAO Policy that went into effect in July 2021. This is critically important since CAO is the last recourse that complainants have for remedy. At present, multiple aspects of the draft require strengthening to adequately complement the CAO Policy. These include:

Project affected people must be able to seek redress from CAO. IFC/MIGA should therefore require all new clients, by contract, to provide information to workers and affected communities about all grievance redress options, including CAO, in a way that is easily accessible and in local languages.

As identified in CAO's Advisory Note, *The Remedy Gap*, lack of knowledge about CAO represents a real obstacle to remedy. Project operators typically do not inform affected communities either of IFC/MIGA involvement as an investor, or of CAO's role. This is the case despite the new CAO Policy committing IFC/MIGA to work with their clients to "disseminate information at the project level about CAO and its availability as a recourse in case other mechanisms for dealing with harmful project impacts are not successful." (CAO Policy, para. 168). The draft Approach reiterates this objective but does not include a work plan or any concrete implementation actions. To correct this key contributor to the remedy gap, IFC/MIGA should require all new clients, via investment contract, to provide accessible information to all relevant parties including workers and affected communities about all grievance redress options including CAO. Such information should include a commitment to zero tolerance of reprisals for individuals that bring complaints. In addition, IFC/MIGA should work with existing clients to inform communities of their redress options, including CAO.

IFC/MIGA should take advantage of options for early resolution of community complaints while making complainants aware of their option to access CAO at any point in the process.

The CAO Policy allows for complainants' grievances to be referred to IFC/MIGA at the earliest possible stage when CAO is still assessing the eligibility of the complaint. Since the Policy became active in July 2021, complainants in 7 of 16 complaints chose to try this path of which 4 cases later resumed the CAO process at the complainants' request. In addition, a CAO compliance investigation may be deferred after the appraisal stage for IFC/MIGA management to engage and address the issues directly. Two (2) of 5 compliance cases that met the criteria for an investigation took this path since the CAO Policy came into effect, after the complainant was informed of the option. The Approach should make it clear that IFC/MIGA will show reciprocity when they receive

and handle complaints and will make complainants aware of their option to access CAO at any point in the process.³

IFC/MIGA should expand in the Approach on their role in CAO dispute resolution processes.

As set out in CAO's Advisory Note, [The Role of Dispute Resolution in Remedy](#), the dispute resolution process can meaningfully contribute to remedy. IFC/MIGA can therefore contribute to remedy by playing a more active role the dispute resolution process, including by engaging with the client and CAO during the process and facilitating access to government officials and supporting access to trusted experts and assisting with the associated costs. To this end, the draft Approach should be clearer in setting out the specific actions IFC/MIGA will take to support CAO processes to facilitate and support remedial actions for project-affected communities.

IFC/MIGA should expand in the Approach on their role in CAO compliance processes and the resources they will make available to ensure remedy.

The External Review recommended that IFC/MIGA play a more robust role during CAO's compliance review phase, which occurs if the dispute resolution option is rejected by complainants or clients or fails. These recommendations have led to a more robust compliance process and institutional response as set out in the CAO Policy. However, CAO's case experience shows the importance of IFC/MIGA Management Action Plans (MAPs) that are responsive to CAO's findings and recommendations on remedial actions and implemented in timely fashion for achieving remedy for complainants through the CAO compliance process. IFC/MIGA and their clients need to budget for adequate resources to implement the MAP. In any scenario, IFC/MIGA should continue to address grievances proactively with their client during a compliance process.

IFC/MIGA should include in the Approach concrete plans to conduct meaningful stakeholder engagement during the preparation of Management Action Plans.

When a CAO compliance investigation finds IFC/MIGA to be non-compliant, the CAO Policy allows for six weeks engagement between IFC/MIGA and the client to develop and agree on a Management Action Plan that will provide remedy. During this time, the CAO Policy requires that complainants are meaningfully consulted. This is a critical procedural aspect of remedy since complainants may have different ideas of what remedy would look like compared to IFC/MIGA or their clients. Meaningful engagement with complainants about MAP implementation should continue during CAO's monitoring phase. The Approach should therefore provide more detail on this process, and IFC/MIGA should develop guidance for their staff to support this engagement.

Complainants need to be afforded choices when IFC or MIGA handle complaints directly

The approach also lists plans to enhance access to remedy by making available grievance mechanisms, including CAO, known to affected communities, by working on more effective implementation of client grievance mechanisms, and by enhancing IFC/MIGA's own capacity to

³ This is of particular importance when there is the potential for prepayment or exit from the project. Since the CAO Policy only accepts complaints against closed projects when there are "compelling reasons why the complaint could not be made before", informing complainants of the possibility of filing a complaint with CAO early is key.

engage with stakeholder grievances directly. CAO supports any enhancements that strengthen client and institutional responsiveness to stakeholder grievances. What is important is that complainants receive full information about their options and that their choices are respected. IFC/MIGA capacity to engage with complaints also strengthens the implementation of the CAO Policy where it calls for greater IFC/MIGA engagement and options for early resolution.

In addition, as IFC and MIGA become more proactive and involved in addressing stakeholder complaints outside a CAO process (“non-CAO complaints”), some important aspects of this alternative redress process will require clarification. Several key questions will need to be addressed and answered. When will a complaint be considered resolved? Is it sufficient for IFC/MIGA to provide assurance to complainants of their clients’ compliance in the context of a complaint? What happens when a complainant is not reassured by IFC’s/MIGA’s perspective or actions? Through what channels will complainants be made aware of their right of access to CAO as an independent avenue to seek redress? How will complainants be involved in determining what constitutes adequate remedy? CAO looks forward to further discussion on these important issues and to receiving clarification about how IFC and MIGA will address them.

Additional Relevant Issues for IFC/MIGA’s Consideration

IFC/MIGA investments in countries experiencing Fragility, Conflict, and Violence (FCV) require robust E&S risk management as well as remedy preparedness.

E&S risks are typically elevated in situations where contextual risk is high such as when clients operate in locations experiencing fragility, conflict, and violence (FCV). In such circumstances, IFC/MIGA must exercise strong E&S management, support for the client throughout project implementation, and adequate planning for remedial action in order to protect project-affected people from high risks of adverse E&S impacts. At the pre-investment stage, IFC/MIGA should carefully analyze leverage and financing options for different investment types in such high-risk environments, as well as client E&S capacity, and use the information strategically when entering a sector or market. If a project is only financially viable when no one is expected to contribute to the cost of redressing possible harms, IFC/MIGA should consider avoiding such projects, where costly externalities would otherwise be borne by affected people and the environment. Internalizing these costs by planning for remedy is a way of correcting the *moral hazard* that currently allows projects to go ahead only because others bear the consequences of the harm caused by them.

The issue of lender liability should not constrain IFC/MIGA efforts to improve remedy.

There are competing ideas about the degree to which possible legal action could prove costly for IFC/MIGA in the context of adopting an approach for remedial action. The draft Approach reflects a concern that adopting a remedy framework will expose IFC and MIGA to legal liability⁴. It fails to acknowledge that the absence of a remedy framework may, in fact, increase the risks of IFC/MIGA liability for unremedied adverse impacts on communities and the environment. In

⁴ The External Review also analyzed the issue of lender liability and recommended that IFC/MIGA “treat litigation risk as a secondary consideration, to be addressed through legal means only when litigation actually arises, rather than as an ex ante constraint on proactive efforts to avoid, mitigate, and compensate for E&S impacts”.

defending its immunity at the Supreme Court of the United States during the *Jam vs IFC* case, IFC argued that it is the existence of its accountability mechanism—CAO—that should add strength to its arguments in favor of retaining its level of immunity. Seen in this way, a robust remedy framework should strengthen IFC/MIGA's arguments in favor of immunity protections. If legal liability is seen as a concern that inhibits IFC/MIGA from adopting a robust remedy framework, IFC/MIGA should commission an independent legal analysis that fully and transparently addresses these concerns taking into account, and identifying, the array of tools available that may constitute remedy. The results of this analysis should be shared with CODE for eventual public disclosure before IFC/MIGA finalize their approach to remedy.

Conclusion

CAO remains ready to engage with IFC/MIGA to support their critically important work in strengthening the draft Approach to Remedial Action before its finalization and during the pilot phase. CAO's analysis of recent case history has underscored that there is a remedy gap where communities whose complaints against IFC are found valid and are not receiving due redress. IFC/MIGA's decision to establish a holistic remedy framework offers a not-to-be-missed opportunity to close this gap and meet IFC/MIGA's mandate to "do no harm". While the draft Approach represents a good start, CAO believes there are multiple aspects that require strengthening, as outlined above.

Given the direct impact of the quality of the Approach on CAO's ability to deliver on its mandate, IFC/MIGA should treat CAO as a counterpart that is closely involved in the ongoing development of the remedy framework (see External Review recommendation). Beyond CAO, IFC/MIGA should plan to involve stakeholders during the pilot phase, including project-affected communities, client companies, and civil society organizations (CSOs). This would generate valuable feedback on the effectiveness of the new Approach, enabling IFC/MIGA to become aware of any gaps in good time and make proactive adjustments where tools and approaches do not prove effective.